

DATE: May 30, 2003

CAUSE NO.: F0020647S

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

Gose Alfonso Escamilla, Jr.

STATE'S MOTION TO WITHDRAW ITS MOTION
TO REVOKE PROBATION OR PROCEED TO AN ADJUDICATION OF GUILT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the District Attorney of Dallas County, Texas, by and through the undersigned Assistant District Attorney, and in the above cause respectfully requests the Court to allow the State to withdraw its Motion to Revoke Probation or Proceed to an Adjudication of Guilt.

Respectfully submitted,
BILL HILL, DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

By: [Signature]
Assistant District Attorney

ORDER

The foregoing State's Motion having been presented to the Court, is hereby in all things granted, and it is ordered that:

- ☐ Defendant is released from custody;
- ☒ The probation violation capias is recalled;
- ☒ Defendant is continued on probation;
- ☐ Defendant is discharged from probation;
- ☒ The Conditions of Community Supervision are modified as stated in the Modification Order filed this same date.
- ☒ Participate in SAFPE
- ** Release only to officials of SAFPE **

* MARCIA WATERS *
* FILED *
* MAY 30 2003 *
* JIM HAMLIN *
* DISTRICT CLERK *
* DALLAS CO., TEXAS *
* [Signature] *
* DEPUTY *

[Signature]
JUDGE, 282ND JUDICIAL DISTRICT COURT

No. F0020647S

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JOSE ALFONSO ESCAMILLA, JR.

MOTION TO REVOKE PROBATION OR PROCEED WITH AN ADJUDICATION OF GUILT

COMES NOW the State of Texas by and through her Criminal District Attorney and would show the Court the following:

That JOSE ALFONSO ESCAMILLA, JR., Defendant was duly and legally placed on probation in the above entitled and numbered cause in the 282nd Judicial District Court of Dallas County, Texas, on the 29TH day of MARCH, 2001, A.D. of the offense of

POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, AS CHARGED IN THE INDICTMENT

That Defendant has violated the following conditions (a, c) of said probation in that

(SEE ATTACHED)

This violation occurred after MARCH 29, 2001 and during the term of probation.

WHEREFORE, the State prays that said Defendant be cited to appear before this Honorable Court and show cause why his probation should not be revoked; and that upon a final hearing, the probation heretofore granted said Defendant be revoked.

This the 06TH day of MAY, A.D. 2003.

BILL HILL, District Attorney, Dallas County, Texas

BY: Michelle R.
ASSISTANT DISTRICT ATTORNEY

A copy of this motion was delivered to the Defendant on

the _____ day of _____, A.D. 20_____.

* F I L E *
* *
* May 06, 2003 *
* *
* JIM HAMLIN *
* DISTRICT CLERK *
* DALLAS CO., TEXAS *
* *
* DEPUTY *

COMMUNITY SUPERVISION OFFICER

F0020647S

May 06, 2003

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JOSE ALFONSO ESCAMILLA JR.

(On or about May 30, 2001 in Dallas County, Texas, the above named did then and there intentionally flee from Terry Hurley, hereinafter called complainant, while complainant was lawfully attempting to arrest the defendant, and that the said defendant knew the said complainant was a peace officer, attempting to arrest the said defendant).

(On or about March 13, 2003 in Dallas County Texas, the above named did then and there drive and operate a motor vehicle in a public place in Dallas County, Texas, to-wit: a street and highway, while intoxicated, in that the defendant did not have the normal use of his mental and physical faculties by reason of the introduction of alcohol into defendant's body).

(On or about March 13, 2003 in Dallas County Texas, the above named did knowingly and intentionally drive and operate a motor vehicle on a public street and highway there situated when defendant had been issued a Texas operators license, and the said license was then and there suspended.)

(On or about March 13, 2003 in Dallas County Texas, the above named did then and there unlawfully, knowingly, and intentionally possess a firearm, to-wit: a Smith and Wesson 9mm handgun.)

(c) Obey all the rules and regulations of the Community Supervision and Corrections Department and REPORT to the supervision officer as directed by the Judge or the supervision officer; to-wit: WEEKLY, MONTHLY OR TWICE MONTHLY.

(The above named failed to report as directed during the month of April, 2003.)

C226003 I/D
jp

CONDITIONS OF COMMUNITY SUPERVISION
(drug offense)

THE STATE OF TEXAS

IN THE 282ND JUDICIAL
DISTRICT COURT
DALLAS COUNTY, TEXAS

VS.

JOSE ALFONSO ESCAMILLA, JR.

TYPE OF PROBATION
(deferred, convicted
shock, boot camp, SJ/F)

CAUSE NO. F0020647S

Convicted /F1

Possession of Cocaine
w/Intent to Deliver

On this date, MARCH 29, 2001 you have been sentenced to a state jail or penitentiary for a period of 10 years and you are placed on Community Supervision for a period of 10 years. It is the ORDER of this Court that you comply with the following conditions of Community Supervision:

(a) Commit no offenses against the laws of this State or any other State of the United States and do not possess a firearm during the term of Community Supervision.

(b) Do not possess, use or ingest illegal drugs.

(c) Obey all rules and regulations of the Community Supervision and Corrections Department and **REPORT** to the supervision officer as directed by the Judge or the supervision officer, to wit: **MONTHLY, TWICE MONTHLY, OR WEEKLY.**

(d) Permit the supervision officer to visit you at home or elsewhere and give notice to the supervision officer no less than 24 hours prior to any change of residence or employment.

(e) Obtain and maintain employment approved by this Court.

(f) Do not leave Dallas County, Texas without first obtaining permission from the Court.

(g) Pay a Community supervision fee of \$40.00 per month to the Community Supervision officer of this Court on or before the first day of each month hereafter until paid in full.

(h) Within 14 days of date below OR release from custody report to the Dallas County District Clerk Collection Department, Frank Crowley Bldg., 2nd Floor, to arrange payment of Court Cost, Fine and Court Appointed Attorney Fees.

(i) Submit a urine sample on demand to the supervision officer and as directed by the Court to determine the use of prohibited substances.

CAUSE NO(S): F0020647S

(j) Obtain a substance abuse evaluation on or before JUNE 1, 2001 and faithfully participate in any recommended treatment as specified by the evaluation and as directed by the supervision officer until released by the Court.

(k) Report to the Dallas County Community Supervision and Corrections Department at 133 North Industrial Blvd., 9th Floor, Dallas, Texas on Tuesday, April 3, 2001 at 10AM for a post sentence interview.

(l) Perform 1000 hours of Community Service Work at not less than 20 hours per month with a non-profit agency approved by this Court. Said hours to begin not later than 180 days from the date probation is granted. Pay any processing fee that may be required, not to exceed \$50.00.

(m) Do not consume any type of alcoholic beverage during the term of probation and submit a breath sample and/or urine sample on demand to the supervision officer as directed by the Court to determine the use of alcohol.

(n) Within 45 days, report to the Comprehensive Assessment and Treatment Services (C.A.T.S.) at 133 North Industrial Blvd., 9th floor, Dallas, Texas 75207 and faithfully participate in any recommended treatment or programs as deemed appropriate by C.A.T.S.

(o) Show proof of High School degree or GED and/or participate in and complete GED classes and/or literacy classes as instructed by the supervision officer to begin on or before DECEMBER 31, 2001.

(p) Serve a _____ day period of detention in the Dallas County Jail to begin on NA. NO BACK TIME TO BE GRANTED.

(q) Beginning on or before 4-6-01 and until further order of the Court, participate in the Electronic Monitoring Program (ELM) and remain inside the designated residence as defined by the ELM program unless otherwise approved in advance by the Court or supervision officer. Faithfully participate in all rules, regulations and programs deemed appropriate by the ELM.

NOTICE: Your drivers license may automatically be suspended until you complete a State approved Drug Offender Education Program. Contact the Texas Commission on Alcohol and Drug Abuse at (512) 349-6600 for information or ask your community supervision officer.

Witness our signatures this 29th day of MARCH, 2001.

X Jose A. Escarilla
PROBATIONER

W.E. Buckner, Jr.
JUDGE

C. Bonner
OFFICER SERVING THE CONDITIONS

No. F0020647S

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JOSE ALFONSO ESCAMILLA, JR.

MOTION TO REVOKE PROBATION OR PROCEED WITH AN ADJUDICATION OF GUILT

COMES NOW the State of Texas by and through her Criminal District Attorney and would show the Court the following:

That JOSE ALFONSO ESCAMILLA, JR., Defendant was duly and legally placed on probation in the above entitled and numbered cause in the 282nd Judicial District Court of Dallas County, Texas, on the 29TH day of MARCH, 2001, A.D. of the offense of

POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, AS CHARGED IN THE INDICTMENT

That Defendant has violated the following conditions (a) of said probation in that

(SEE ATTACHED)

This violation occurred after MARCH 29, 2001 and during the term of probation.

WHEREFORE, the State prays that said Defendant be cited to appear before this Honorable Court and show cause why his probation should not be revoked; and that upon a final hearing, the probation heretofore granted said Defendant be revoked.

This the 13TH day of JUNE, A.D. 2001.

BILL HILL, District Attorney, Dallas County, Texas

BY: [Signature]
ASSISTANT DISTRICT ATTORNEY

A copy of this motion was delivered to the Defendant on

the 12ND day of JUNE, A.D. 2001.

* F I L E D *
* *
* JUNE 13, 2001 *
* *
* JIM HAMLIN *
* DISTRICT CLERK *
* DALLAS CO., TEXAS *
* [Signature] *
* DEPUTY *

[Signature]
COMMUNITY SUPERVISION OFFICER

F0020647S

JUNE 12, 2001

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JOSE ALFONSO ESCAMILLA JR.

(On or about May 30, 2001 in Dallas County, Texas , the above named did then and there intentionally flee from Terry Hurley, hereinafter called complainant, while complainant was lawfully attempting to arrest the defendant, and that the said defendant knew the said complainant was a peace officer, attempting to arrest the said defendant).

C226003
jp

I/D

DATE: July 20, 2001

CAUSE NO.: FOO200475

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

Jose Alfonso Escamilla

STATE'S MOTION TO WITHDRAW ITS MOTION
TO REVOKE PROBATION OR PROCEED TO AN ADJUDICATION OF GUILT

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the District Attorney of Dallas County, Texas, by and through the undersigned Assistant District Attorney, and in the above cause respectfully requests the Court to allow the State to withdraw its Motion to Revoke Probation or Proceed to an Adjudication of Guilt.

Respectfully submitted,
BILL HILL, DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

By: [Signature]
Assistant District Attorney

ORDER

The foregoing State's Motion having been presented to the Court, is hereby in all things granted, and it is ordered that:

 Defendant is released from custody;

✓ The probation violation capias is recalled;

✓ Defendant is continued on probation;

 Defendant is discharged from probation;

✓ The Conditions of Community Supervision are modified as stated in the Modification Order filed this same date.

 Jail time AS A condition of Supervision

*
* F I L E D *
*
* July 20, 2001 *
* JIM HAMLIN *
* DISTRICT CLERK *
* DALLAS CO., TEXAS *
* [Signature] *
* DEPUTY *

[Signature]
JUDGE, 282ND JUDICIAL DISTRICT COURT

DEFENDANT ESCAMILLA, JOSE ALFONSO JR WM 09031978 POSS CS INT DEL 200G
4045 WEISENBERGER, DALLAS, TX LOCATION DSO
 ADDRESS _____
 FILING AGENCY TX0570000 DATE FILED March 29, 2000 COURT _____
 COMPLAINANT ELLIS, J F-0020647
 C/C _____

TRUE BILL OF INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Dallas County,
 State of Texas, duly organized at the JANUARY Term, A.D. 20 00 of the
283RD JUDICIAL District Court _____, Dallas County, in said court at said
 Term, do present that one ESCAMILLA, JOSE ALFONSO JR, defendant,
 on or about the 28TH day of MARCH A.D. 20 00 in the County of Dallas and said State, did

intentionally and knowingly possess with intent to deliver a controlled substance, to-
 wit: COCAINE, in an amount by aggregate weight, including any adulterants or dilutants,
 of 200 grams or more but less than 400 grams,

against the peace and dignity of the State.

BILL HILL

Criminal District Attorney of Dallas County, Texas.

Dean Wright
 Foreman of the Grand Jury.

COURT

ADDRESS 4045 WEISENBERGER, DALLAS, TX LOCATION DSO

FILING AGENCY TX0570000 DATE FILED March 29, 2000 COURT _____

COMPLAINANT ELLIS, J F-0020647

C/C _____

TRUE BILL OF INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Dallas County, State of Texas, duly organized at the JANUARY Term, A.D. 20 00 of the 283RD JUDICIAL District Court, Dallas County, in said court at said Term, do present that one ESCAMILLA, JOSE ALFONSO JR, defendant, on or about the 28TH day of MARCH A.D. 20 00 in the County of Dallas and said State, did

intentionally and knowingly possess with intent to deliver a controlled substance, to-wit: COCAINE, in an amount by aggregate weight, including any adulterants or dilutants, of 200 grams or more but less than 400 grams,

against the peace and dignity of the State.
BILL HILL

Criminal District Attorney of Dallas County, Texas.

Deane Wright
Foreman of the Grand Jury.

TDC/COURT

THE STATE OF TEXAS

COUNTY OF DALLAS

AFFIANT FOR ARREST WARRANT OR CAPIAS

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned Affiant who, after being duly sworn by me, on oath, stated:

My name is Raul Reyna #513, and I am a Peace Officer of the County of Dallas, Texas.

I have good reason to believe and do believe that on or about the 28th day of March, 2000, one Escamilla, Jose Alfonso Jr. H/M 9/3/78 who did then and there in the County of Dallas, Texas commit the offense of VHSC 481.115 Poss. Cocaine over 200 grams F/1

My belief is based upon the following facts and information:

On March 28, 2000 Dallas Sheriff's Dept. Warrant squad 453 received information that Garza, Christopher H/M 3/7/82, wanted on a TYC warrant # 35488 for Theft, was living at 4045 Weisenberger, Dallas, Tx. Deputies T. Davis #276, J. Ellis # 382 and TYC Investigator J. Reno #140 went to 4045 Weisenberger and were met at the door by a hispanic male and Maria Rivera. The Deputies asked Rivera if she had seen Garza. Rivera replied that he was friends with her sons and would come by frequently. Rivera gave the Deputies permission to come in and look around to make sure Garza was not at the residence. Deputy Ellis and Inv. Reno observed a H/M in the rear bedroom who identified himself as Escamilla, Jose H/M 9/3/78. Deputy Ellis observed in plain view a triple beam scale with white powdery residue around it on top of the dresser in the bedroom. When Escamilla noticed the Deputies looking at the scale, Escamilla attempted to blow the white powder from the top of the dresser. Deputy Ellis also observed a shoe box with several small plastic baggies inside of it commonly used in the packaging of narcotics. Escamilla told the Deputies he did not want more Police at the location and told the officers that they could find more cocaine in a paper bag in the closet. Inside the bag was a plastic bag containing 2 other plastic bags with a white powder substance. I was called out and arrived to collect the evidence. The substance in the plastic bags field tested positive for cocaine with an approximate weight of 250 grams. Escamilla was read his rights and told me that the cocaine was his and that his family knew nothing about it.

I believe this information to be true to the best of my knowledge. WHEREAS, Affiant requests that an Arrest Warrant or Capias be issued for the above accused individual(s) in accordance with the law.

Raul Reyna
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME on this the 28th day of March, 2000.

Concepcion J. Reyes
MAGISTRATE, IN AND FOR THE
COUNTY OF DALLAS, DALLAS, TEXAS

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

On this the 28th day of March, 2000, the undersigned Magistrate hereby acknowledges that he has examined the above affidavit and has determined that probable cause exists for the issuance of Arrest Warrant for the individual(s) accused herein.

Concepcion J. Reyes
MAGISTRATE, IN AND FOR THE
COUNTY OF DALLAS, DALLAS, TEXAS

IN THE 282nd DISTRICT COURT
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS

vs.
Jose A. Escamilla Jr

CAUSE NO.(S)

FOO-20647

CASE INFORMATION

The Defendant in this cause is charged with the offense of BSN w/ I 7200
a 1st degree felony. The possible punishment for this offense is _____.

PLEA BARGAIN DATA

On a plea of Guilty, the District Attorney will recommend the following:

~~_____ Years TDC _____ Days in Dallas County Jail~~
~~_____ Years Probated for _____ Years.~~
~~_____ Days in Dallas County Jail Probated~~
~~for _____ Days.~~
~~\$ _____ Fine~~

CONTINUANCE DATA

Case passed by agreement to:

5-29-03 at 2:45 am/pm

for the purpose of:

PV

which will be the _____ setting of this case.

The appearance of the Defendant at the next setting

(IS) / (IS NOT) waived.

[Signature]
Assistant District Attorney

Phone Number _____

[Signature]
Attorney for Defendant

Phone Number _____

[Signature]
Defendant

Phone Number _____

ORDER AND FINDING

State (IS / IS NOT) found to have, in fact, been ready this date

District Judge

5-29-03
Date

No. F0020647S

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JOSE ALFONSO ESCAMILLA, JR.

AMENDED

MOTION TO REVOKE PROBATION OR PROCEED WITH AN ADJUDICATION OF GUILT

COMES NOW the State of Texas by and through her Criminal District Attorney and would show the Court the following:

That JOSE ALFONSO ESCAMILLA, JR., Defendant was duly and legally placed on probation in the above entitled and numbered cause in the 282nd Judicial District Court of Dallas County, Texas, on the 29TH day of MARCH, 2001, A.D. of the offense of

POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER, AS CHARGED IN THE INDICTMENT

That Defendant has violated the following conditions (a, c, j, & m) of said probation in that

(SEE ATTACHED)

This violation occurred after MARCH 29, 2001 and during the term of probation.

WHEREFORE, the State prays that said Defendant be cited to appear before this Honorable Court and show cause why his probation should not be revoked; and that upon a final hearing, the probation heretofore granted said Defendant be revoked.

This the 21ST day of MAY, A.D. 2003.

BILL HILL, District Attorney, Dallas County, Texas

BY: Michelle R. [Signature]
ASSISTANT DISTRICT ATTORNEY

A copy of this motion was delivered to the Defendant on

the 21st day of MAY, A.D. 2003.

* F I L E D *
* *
* MAY 21, 2003 *
* *
* JIM HAMLIN *
* DISTRICT CLERK *
* DALLAS CO., TEXAS *
* *
* DEPUTY *

[Signature]
COMMUNITY SUPERVISION OFFICER

THE STATE OF TEXAS
VS.

282ND JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

JOSE ALFONSO ESCAMILLA JR.

(a) Commit no offenses against the laws of this State or any other State of the United States and do not possess a firearm during the term of Community Supervision.

(On or about January 17, 2003 in Dallas County, Texas, the above named did unlawfully then and there intentionally and knowingly and recklessly cause bodily injury to another, namely: Joseph Burns, hereinafter called complainant, by striking complainant's head with a bottle.)

(On or about March 13, 2003 in Dallas County, Texas, the above named did then and there drive and operate a motor vehicle in a public place in Dallas County, Texas, to-wit: a street and highway, while intoxicated, in that the defendant did not have the normal use of his mental and physical faculties by reason of the introduction of alcohol into defendant's body.)

(On or about March 13, 2003 in Dallas County Texas, the above named did knowingly and intentionally drive and operate a motor vehicle on a public street and highway there situated when defendant had been issued a Texas operators license, and the said license was then and there suspended.)

(On or about March 13, 2003 in Dallas County Texas, the above named did then and there unlawfully, knowingly, and intentionally possess a firearm, to-wit: a Smith and Wesson 9mm handgun.)

(On or about March 17, 2003 in Dallas County, Texas, the above named did knowingly and intentionally drive and operate a motor vehicle on a public street and highway there situated when defendant had been issued a Texas operators license, and the said license was then and there suspended, and this was observed by community supervision officer Erin Garza.)

(c) Obey all the rules and regulations of the Community Supervision and Corrections Department and REPORT to the supervision officer as directed by the Judge or the supervision officer; to-wit: WEEKLY, MONTHLY OR TWICE MONTHLY.

(The above named failed to report as directed during the month of April, 2003.)

(j) Obtain a substance abuse evaluation on or before JUNE 1, 2001 and faithfully participate in any recommended treatment as specified by the evaluation and as directed by the supervision officer until released by the Court.

(The above named failed to faithfully participate in treatment with First Step Counseling. He was unsuccessfully discharged on October 11, 2002 due to lack of attendance.)

(m) Do not consume any type of alcoholic beverage during the term of probation and submit a breath sample and/or urine sample on demand to the supervision officer as directed by the Court to determine the use of alcohol.

(On or about March 17, 2002 the above named did consume alcohol and this was admitted to supervision officer Erin Garza on July 1, 2002.)

C226003 I/D
jp/br